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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/090,071    06/03/98    MILLER    R    60.115344

LM02/0209  
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EXAMINER

NGUYEN, K

ART UNIT

PAPER NUMBER

2774

DATE MAILED:

02/09/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/090,071

Applicant(s)

MILLER, ROBIN MIHEKUM

Examiner

Kevin M. Nguyen

Art Unit

2774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 17) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberts (U.S. Patent No. 5,005009).
2. As to claims 1, 10 and 14, Roberts teaches lights 13 predetermined positions relative to the windshield 10 (see figure 1, column 5, lines 25-38), the primary reflected image by greatly improving the contrast of relative to the background lighting condition (see column 4, lines 48-53). Ambient light 18 passes through the windscreen 10 and directly illuminates the instrument indicators 14 as well as the observer 11 (see figure 1, column 6, lines 20). The small tint field 12, which control increase and modify the contrast, may be smaller than the total area of the windscreen 10 (see figure 3, column 5, lines 51-54). Accordingly, lights 13 corresponds to a source, small patch corresponds to the small portion of the claims.
3. As to claims 2-4, 11 and 15, Roberts teaches the primary reflected image produced in the predetermined tint field 12 may be seen from any position in the overland vehicle (see figure 1, column 4, lines 58-62) orange/ red light wave and other colors are to be blocked or absorbed (see column 8, lines 4-15)

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4. As to claims 5-8 and 12, Roberts teaches tint field 12 controls the contrast of unobstructed view of the environment 19 in the line of sight 16A of the viewer 11 (see figure 1, column 6, lines 32-36). Accordingly, unobstructed view of the environment 19 corresponds to captured image and approaching image of the claims.

5. As to claim 9, 13 and 16, Roberts teaches the small tint field 12, which control directly the reflected light of line of sight 16 A, may be smaller than the total area of the windscreen 10 (see figure 1 and 3, column 5, lines 51-54). Accordingly, small tint field 12 corresponds to small portion and surface treatment of the claims.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,784,036 Higuchi et al

Higuchi et al is made of record as describing head up display/ contrast.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 703-305-6209.

The examiner can normally be reached on Monday through Thursday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 703-305-4709. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-9051 for regular communications and 703-308-9051 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Kevin M. Nguyen*

February 3, 2000



RICHARD A. HJERPE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700